

REMARKS

The non-final Office Action dated September 29, 2008 has been received and its contents carefully noted. Claims 1-22 and 24-26 are pending in this application. In the Office Action, all pending claims are rejected.

Applicant has amended claims 1, 2 and 19 to read “environmental conditions indicating weather conditions of a mobile telephone device” in order to more distinctly claim the invention. Support for the amendments can be found in the application as originally filed at page 3, lines 7-13 and page 10, lines 20-22. No new matter has been introduced by way of amendment. Claim 6 has been amended to include the word “also.” No new matter has been introduced by way of amendment. Claim 11 has been amended to include the features of claim 12; subsequently, claim 12 has been canceled. Claim 14 has been amended to include the features of claim 15; subsequently, claim 15 has been canceled. Claim 16 has been amended to include the features of claims 17 and 18 and also to recite a computer readable storage structure; subsequently, claims 17 and 18 have been canceled. Support for the amendment can be found in the application as originally filed at page 7, lines 33-36. No new matter has been introduced by way of amendment. Claim 24 has been canceled.

Claim Rejections under 35 U.S.C. §101

At section 2 of the Office Action, the Office rejects claims 16-18 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Office asserts that the “medium” of claims 16-18 is not limited to tangible embodiments, and thus the claims must be amended to include only the physical computer media. The Office suggests amending the claims to state “computer readable storage medium.” Applicant has amended claim 16 accordingly, as stated above. Claims 17 and 18 are dependent from claim 16 and recite additional features not cited in claim 16. As such, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 16-18 under 35 U.S.C. §101.

Claim Rejections under 35 U.S.C. §102(b)

At sections 3-11 of the Office Action, the Office rejects claims 1-8, 11, 19-21 and

25-26 under 35 U.S.C. §102(b) as being anticipated by the published thesis “Look Ma’, My Homepage is Mobile!” written by *Kehr et al.* (hereinafter *Kehr*). Of these, claims 1 and 19 are independent claims. The Office specifically points to pages 1-3 and Figures 1 and 2 in support of the rejection.

As amended, independent claim 1 includes the limitation “environmental conditions indicating weather conditions of a mobile telephone device.” The specification at page 3, lines 7-13 and page 10, lines 20-22 explains that “the homepage can be generated in accordance with information such as position information, signal strength information, time information, or information related to environmental conditions of said mobile device the mobile homepage is stored on. So the mobile homepage can comprise information such as a small map indicating the actual position of the mobile terminal device, or other elements indicating e.g. actual weather conditions such as temperature, atmospheric pressure, and humidity.” [Emphasis added.] Thus, it is clear from this supporting passage that position information and information related to weather conditions are separate elements of the present invention. Applicant respectfully submits that *Kehr* does not disclose or suggest that the homepage may be updated with such information about the weather conditions of the mobile telephone device, as required by independent claim 1.

At section 1 of the Office Action in the Response to Arguments, the Office indicates that the term “environmental conditions” is interpreted broadly to include position information because the term “environment” refers to circumstances or conditions that surround someone or something. As such, the Office argues that *Kehr* meets the limitation of “determining information about environmental conditions of a mobile telephone device.” As amended, however, the claims state that the environmental conditions indicate weather conditions of the mobile telephone device; applicant respectfully asserts that *Kehr* nowhere discloses or suggests weather conditions.

In contrast, *Kehr* discloses a mobile homepage that can provide the current location of the device, such as e.g. GSM coordinates of the mobile phone (i.e. city, street, etc.), but not information about the weather conditions of the device, as claimed.

Thus, for at least the foregoing reasons, *Kehr* fails to disclose or suggest all the

features of the claimed invention, namely “automatically determining information about environmental conditions indicating weather conditions of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions indicating weather conditions of said mobile telephone device,” as required by claim 1. Consequently, *Kehr* fails to anticipate claim 1, therefore, applicant respectfully requests that the rejection of claim 1 under 35 USC§102(b) be reconsidered and withdrawn.

Claim 19 is an independent device claim having similar limitations as claim 1 and is rejected for similar reasons as claim 1. Specifically, claim 19 recites a mobile telephone device having “a processor configured to determine information about environmental conditions indicating weather conditions of said mobile telephone device, and to adapt said homepage according to said determined information about said environmental conditions indicating weather conditions of said mobile telephone device.” Thus, claim 19 is a device claim having similar limitations to the method of claim 1 in that the processor of claim 19 determines and evaluates the information about the environmental conditions indicating weather conditions of the mobile telephone device, and adapts the homepage accordingly. The automatic determining, evaluating and adapting required by claim 1 are performed by the processor of claim 19. Since claim 19, as amended, contains similar limitations to claim 1, and for at least the reasons regarding independent claim 1 clearly explained above, *Kehr* also fails to anticipate claim 19. Therefore, applicant respectfully requests that the rejection of claim 19 under 35 USC§102(b) be reconsidered and withdrawn.

Claims 2-8, 11, 20-21 and 25-26 are ultimately dependent from independent claims 1 and 19 and recite additional required features not recited in claims 1 and 19 that are not disclosed or suggested by *Kehr* as explained above. For at least the reasons regarding independent claims 1 and 19 clearly explained above, *Kehr* fails to anticipate claims 2-8, 11 and 20-21, therefore Applicant respectfully requests that the rejection of claims 2-8, 11 and 20-21 under 35 U.S.C. §102(b) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a)

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Nagaoka et al.

At section 12 of the Office Action, the Office rejects claims 9-10 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Nagaoka et al.* (US Patent Application Publication 2002/0180579, hereafter referred to as *Nagaoka*).

Claims 9-10 are indirectly dependent from independent claim 1 and recite additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to anticipate claims 9-10. Furthermore, *Nagaoka* fails to disclose or suggest the limitations lacking in *Kehr*, namely “automatically determining information about environmental conditions indicating weather conditions of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions indicating weather conditions of said mobile telephone device.” Consequently, the combination of *Kehr* in view of *Nagaoka* fails to render claims 9-10 obvious, therefore applicant respectfully requests that the rejection of claims 9-10 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Venkatraman

At sections 13-14 of the Office Action, the Office rejects claims 14, 16-18 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Venkatraman* (US Patent 5,956,487).

Claims 14 and 16-18 are dependent from independent claim 1 and recite additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to disclose or suggest all the limitations of claims 14 and 16-18. Furthermore, *Venkatraman* fails to disclose or suggest the limitations lacking in *Kehr*, namely “automatically determining information about environmental conditions indicating weather conditions of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions indicating weather

conditions of said mobile telephone device.” Consequently, the combination of *Kehr* in view of *Venkatraman* fails to render claims 14 and 16-18 obvious, therefore applicant respectfully requests that the rejection of claims 14 and 16-18 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), *Kehr* in view of *Jamtgaard et al.*

At section 15 of the Office Action, the Office rejects claim 15 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Jamtgaard et al.* (US Patent 6,430,624, hereafter referred to as *Jamtgaard*).

Claim 15 is dependent from independent claim 1 and recites additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to disclose or suggest all the limitations of claim 15. Furthermore, *Jamtgaard* fails to disclose or suggest the limitations lacking in *Kehr*, namely “automatically determining information about environmental conditions indicating weather conditions of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions indicating weather conditions of said mobile telephone device.” Consequently, the combination of *Kehr* in view of *Jamtgaard* fails to render claim 15 obvious, therefore applicant respectfully requests that the rejection of claim 15 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), *Kehr* in view of *Kanevsky et al.*

At section 16 of the Office Action, the Office rejects claims 12 and 22 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Kanevsky et al.* (US Patent 6,496,949, hereafter referred to as *Kanevsky*).

In rejecting claims 12 and 22, the Office asserts that *Kehr* discloses all the limitations of claims 11 and 21 (from which claims 12 and 22 depend), but does not disclose that downloading is initiated when it is detected that the attainability of the mobile device is expected to be reduced. The Office turns to *Kanevsky* to disclose this limitation.

Claims 12 and 22 are dependent from independent claims 1 and 19 and recite additional required features not recited in claims 1 and 19. For at least the reasons regarding independent claims 1 and 19 clearly explained above, *Kehr* fails to disclose or suggest all the limitations of claims 12 and 22. Furthermore, *Kanevsky* fails to disclose or suggest the limitations lacking in *Kehr*, namely “automatically determining information about environmental conditions indicating weather conditions of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions indicating weather conditions of said mobile telephone device.” Consequently, the combination of *Kehr* in view of *Kanevsky* fails to render claims 12 and 22 obvious, therefore applicant respectfully requests that the rejection of claims 12 and 22 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Largman et al.

At section 17 of the Office Action, the Office rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Largman et al.* (US Patent Application Publication 2002/0188887, hereafter referred to as *Largman*).

Claim 13 is dependent from independent claim 1 and recites additional required features not recited in claim 1. For at least the reasons regarding independent claim 1 clearly explained above, *Kehr* fails to disclose or suggest all the limitations of claim 13. Furthermore, *Largman* fails to disclose or suggest the limitations lacking in *Kehr*, namely “automatically determining information about environmental conditions indicating weather conditions of a mobile telephone device, and automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions indicating weather conditions of said mobile telephone device.”. Consequently, the combination of *Kehr* in view of *Largman* fails to render claim 13 obvious, therefore applicant respectfully requests that the rejection of claim 13 under 35 U.S.C. §103(a) also be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103(a), Kehr in view of Kanevsky, in further view of
Largman et al.

At section 18 of the Office Action, the Office rejects claim 24 under 35 U.S.C. §103(a) as being unpatentable over *Kehr* in view of *Kanevsky* in further view of *Largman*.

Claim 24 has been canceled.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's agent urges the Office to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

Dated: 12.16.08


Cathy A. Sturmer
Agent for Applicant
Reg. No. 60,869

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955